

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

FILED
2011 JUN -6 PM 3

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF
AKRON

Earl E Marsh Jr
Plaintiff

-vs-

~~Christopher Kerkian~~
AL & Susan Kerkian
Defendant(s)
Mike Miltbert
Nedra Johnson
Dave Calender

)
CASE NO. 5:11 CV 1156

)
JUDGE JUDGE LIOI

)
MAG. WHITE

)
COMPLAINT

① I could tell a long drawn out story about the drama that took place at Gasoline Alley during my term of employment July 9, 2008 - thru June 16 2010.

② Doing what would open the flood gates for a lot of he said, she said, when the facts of the matter can be proven through payroll

③ I also have a Labor Law Violations case being handled

by attorney Edward Gilbert,
and what case is centered
around the same issue
Payroll.

④ Best case scenario, check
the paychecks of these
European American employees
Ryan Collins, Chris Harmon,
Austin LNU, Eric Schneider,
Mike LNU, Morde LNU, Jon Paul
aka JP check these European
Americans, rate of pay, number
of raises, number of hours

age, and years of experience

against

⑤ The same issues belonging

to these African American

employees, Earl S Marsh Jr.,

Andrea Alford, Willie Coky,

Jim Clarity, during the time

frame of my employment 7-9-08

6-16-10

⑥ Gasoline Alley Management

positions are all held by

African American people. Please

check the rate of pay for

Job McDonald, Nedra Johnson

and Mike Millert against

the same European American

employees as listed above

⑦ In May of 2009 I

received a \$1 per hour raise

Andrea Alford 4-5 years of

service and Willie Cody

6-7 yrs of service had

never received raises of

any sort.

⑧ An incident occurred

Behind this, prompting

Susan to confront me
and threatens to revoke
my raise. I told her
no problem, and to do
what she felt she needed
to do, because even with
the raise I felt I was
still under paid, and
that I was diligently
working toward my next
raise.

⑨ needless to say, but
things changed after this

and my hours dropped
dramatically off and my
gross income for '09 was
15,341.25. Full time 40 hrs per wk
52 wks should have grossed
me \$16,640

⑩ Question: Has Gasoline Alley
over paid an African American
man over \$9 an hour
in their history.

⑪ Question - Can Gasoline Alley
explain hiring and firing
practices since the filing

of my initial complaint

(12)

Travor LNU, Katie LNU,

Hawthorne LNU, Jeff Eric LNU all

ate up numerous hours

that I could have desperately

used, and it puzzles me

that all four were let

go shortly after my filing

of initial complaint

(13)

Nedra Johnson was owed

more unpaid overtime

than anyone, so it would

make sense to re-line

for I guess.

(14)

Why was Jim Clarity re-hired one week after I filed when it is a known fact that Mike Milbert or should I say Chef Mike Milbert never wanted Jim Clarity to work at Gasoline Alley from the very beginning

(15)

From the very beginning of his employment Mike Milbert took himself out of contention for the Head Chef position

simply because he could not work nights and live in the same house with his wife, who worked days and has many years of service at her job

⑯ Four months after filing initial complaint, Mike Millert signed and affidavit claiming to be Head Chef at Gasoline Alley in charge of hiring and firing. He also claimed to be in the process

of firing me anyway.

⑫ On Thursday June 17th
on route to work riding
my bike. Mike Milbert
called and said that
Susan Kerkian had told
him to take me off
at Schadele. His exact words.

⑬ Susan Kerkian fired me with
a text message

⑭ Dave Calenders sent words
to me, when he sent me
home on Wed June 16th 2010.

I dont know why you
are so angry, you will
be back tomorrow, you
are not fired.

QD In closing this was
without a doubt the most
difficult job I ever worked.

Equal employment was a far
stretch from attainable, and
in May of 2010 I made
Dusan Korikian aware of
the fact that new hires
were receiving better schedules

than myself, and that I
was no longer interested
in working under the
table unless I received
80 hrs per payroll on the
check first.

(21) I was fired before I
could receive a check of 80 hrs
or better.

(22) In Jan of 09 I requested
copies of payroll checks I
had lost. Susan provided
me with copies, no problem.

with Gasoline Alleye, updated

high tech computer system it

should be no problem to

pull up everyone's payroll

info for comparison

Wants put aside, I needed

that job at the time, and

I did everything possible to

be a good employee for Gasoline

Alley, and to be lied upon

and dismissed so easily still

angers me to this day

dealings with Mike Millert,

discussing our worth to Gooline

Olley, a Topic we often discussed

I always said \$12 an hour
was my goal. Do I am

looking relief of \$12 40 hours

a week for the entire year

the process has taken which

Equals \$25,000

Earl E Marsh Jr

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